

11-03-06

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Shlomo BEN-HAIM, et al.

Serial No.: 10/561,740 ✓

Filed: December 20, 2005

For: HEPATIC DEVICE FOR TREATMENT
OR GLUCOSE DETECTION

) Art Unit: (N/A)
)
) Examiner: (N/A)
)
) Washington, D.C.
)
) September 7, 2006
)
) Docket No.: METACURE-
233411

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:

(Check one of the boxes A-D)

☐ A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[X] B. before the mailing date of a first office action on the merits.

☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(check one of the boxes "i" and "ii" below:)

☐ i. Counsel certifies that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

☐ ii. A check for the fee set forth in 1.17(p), presently believed to be \$240, is enclosed (check no. _____).

☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. A check for the fee set forth in §1.17(i), presently believed to be \$130 is enclosed (check no. _____). Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

☐ 2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate.)

☐ A. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

[insert serial numbers and filing dates of prior applications]

Applicant identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

☐ 3. Documents ____ is (are) not in the English language. In accordance with 1.98(c), Applicant states:

☐ An English translation of each document _____ (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

☐ A concise explanation of the relevance of document(s) _____ is found in the attached search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

☐ A concise explanation of the relevance of document(s) _____ is set forth as follows:
[Insert concise explanation of relevance]

☐ A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.

☐ A concise explanation of document(s) _____ can be found on the attached sheet.

4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

☐ 5. Other information being provided for the examiner's consideration follows:

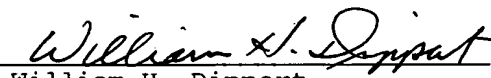
6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

CROSS REFERENCE UNDER 37 C.F.R. §1.78 TO RELATED APPLICATIONS

Pursuant to 37 C.F.R. § 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

Respectfully submitted,

November 2, 2006


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Registration No. 26,723

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PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail under 37 CFR 1.10 on the date indicated below and is addressed to:

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Geraldine Gress

Wolf, Block, Schorr and Solis-Cohen LLP
250 Park Avenue
9th Floor
New York, New York 10177-0030
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Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant: Shlomo Ben-Haim, et al.
Serial No: 10/561,740
Filing Date: December 20, 2005
For: Hepatic Device For Treatment Or Glucose Detection
Attachments: (1) Information Disclosure Statement (3 pages);
(2) IDS Citation (18 pages) w/cited references;
(3) Acknowledgement Postcard

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FORM PTO-1449 (Colb)

ATTY DOCKET NO.

SERIAL NUMBER

METACURE-233411

10/561,740


 LIST OF PATENTS AND
PUBLICATIONS FOR APPLICANTS'
INFORMATION STATEMENT
APPLICANT
Shlomo BEN-HAIM, et al.EXAMINER
(N/A)FILING DATE
December 20, 2005GROUP ART UNIT
(N/A)

U.S. PATENT DOCUMENTS

| Examiner's Initials | | DOCUMENT NO. | DATE | NAME | CLASS | SUB | FILING DATE |
|------------------------|----|--------------|---------|-----------------|-------|-----|----------------|
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| | AE | WO 01/91854 | | | | | |
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| | AJ | Johansson B. et al., "Static and dynamic components in the vascular myogenic response to passive changes in length as revealed by electrical and mechanical recordings from the rat portal vein", Circulation Research, 36, pp. 76-83, 1975. |
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| | AL | Schobel H.P. et al., "Preeclampsia - a state of sympathetic overactivity", New England Journal of Medicine, 335, pp. 148-1485, 1996. |
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EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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| FORM PTO-1449 (Colb) | ATTY DOCKET NO. METACURE-233411 | SERIAL NUMBER 10/561,740 |
| LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT | APPLICANT Shlomo BEN-HAIM, et al. | EXAMINER (N/A) |
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| | AD | 2002/0026141 | | Houben | | | |
| | AE | 2003/0055464 | | Darvish | | | |
| | AF | 5,704,368 | | Asano, et al. | | | |
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| | AJ | WO 05/041749 | | | | | |
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U.S. PATENT DOCUMENTS

| Examiner's Initials | | DOCUMENT NO. | DATE | NAME | CLASS | SUB | FILING DATE |
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| | AJ | WO 04/096337 | | | | | |
| | AK | WO 03/020365 | | | | | |

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

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| AL | |
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| LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT | APPLICANT Shlomo BEN-HAIM, et al. | EXAMINER (N/A) |
| | FILING DATE December 20, 2005 | GROUP ART UNIT (N/A) |

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| | AA | 2004/0236316 | | | | | |
| | AB | 5,103,804 | | | | | |
| | AC | 6,869,431 | | | | | |
| | AD | 6,852,110 | | | | | |
| | AE | 6,939,349 | | | | | |
| | AF | 6,947,792 | | | | | |
| | AG | 6,745,079 | | | | | |
| | AH | 6,405,732 | | Edwards | | | |
| | AI | 6,612,983 | | Marchal | | | |
| | AJ | 6,658,297 | | Loeb | | | |
| | AK | 6,411,842 | | Cigaina, et al. | | | |

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| | AL | EP 1 447 052 | | | | | |

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| | AA | 2005/0143784 | | | | | |
| | AB | 6,754,536 | | | | | |
| | AC | 2003/0220678 | | | | | |
| | AD | 2005/020965 | | | | | |
| | AE | 6,876,885 | | | | | |
| | AF | 2004/0088023 | | | | | |
| | AG | 2003/0045919 | | | | | |
| | AH | 6,918,906 | | | | | |
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| | AJ | WO 05/087310 | | | | | |
| | AK | WO 04/066903 | | | | | |

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| | AA | 2005/0107829 | | | | | |
| | AB | 5,247,938 | | | | | |
| | AC | 5,105,812 | | | | | |
| | AD | 6,826,428 | | | | | |
| | AE | 2005/0075654 | | | | | |
| | AF | 5,551,425 | | | | | |
| | AG | 6,132,372 | | | | | |
| | AH | 2004/0193184 | | | | | |
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| | AJ | WO 05/009288 | | | | | |
| | AK | WO 04/091361 | | | | | |
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| Examiner's Initials | | DOCUMENT NO. | DATE | NAME | CLASS | SUB | FILING DATE |
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| | AB | 3,516,412 | | | | | |
| | AC | 4,378,023 | | Trabucco | | | |
| | AD | 6,216,045 | | Black, et al. | | | |
| | AE | 6,363,937 | | | | | |
| | AF | 6,606,523 | | | | | |
| | AG | 2004/0158138 | | | | | |
| | AH | 2005/0203500 | | | | | |
| | AI | 2005/0183732 | | | | | |

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| | AJ | WO 05/007232 | | | | | |
| | AK | EP 144705 | | | | | |
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| | AA | 2004/0162469 | | Imran | | | |
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| | AC | 2005/0021101 | | Chen, et al. | | | |
| | AD | 6,754,536 | | Swoyer, et al. | | | |
| | AE | 6,600,953 | | Flesler, et al. | | | |
| | AF | 2004/0059393 | | Policker, et al. | | | |
| | AG | 6,415,178 | | Ben-Haim, et al. | | | |
| | AH | 6,571,127 | | Ben-Haim, et al. | | | |
| | AI | 6,895,279 | | Loeb, et al. | | | |

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| | AJ | WO 05/023081 | | | | | |
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| | AB | 4,357,946 | | Dutcher, et al. | | | |
| | AC | 4,313,448 | | Stokes | | | |
| | AD | 4,177,818 | | De Pedro | | | |
| | AE | 2005/0183732 | | Edwards | | | |
| | AF | 2005/0107829 | | Edwards, et al. | | | |
| | AG | 2003/0220678 | | Tronnes, et al. | | | |
| | AH | 2004/0088023 | | Imran, et al. | | | |
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| | AA | 5,247,938 | | Silverstein, et al. | | | |
| | AB | 6,754,536 | | Swoyer, et al. | | | |
| | AC | 6,876,885 | | Swoyer, et al. | | | |
| | AD | 6,745,079 | | King | | | |
| | AE | 6,852,110 | | Roy, et al. | | | |
| | AF | 3,737,579 | | Bolduc | | | |
| | AG | 4,010,758 | | Rockland, et al. | | | |
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| | AJ | WO 04/096337 | | | | | |
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| | AL | WO 03/020365 | | | | | |

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| | AA | 2002/0103424 | | Swoyer, et al. | | | |
| | AB | 2005/0055038 | | Kelleher, et al. | | | |
| | AC | 6,363,937 | | Hovda, et al. | | | |
| | AD | 2004/0158138 | | Kilcoyne, et al. | | | |
| | AE | 2005/0203500 | | Saadat | | | |
| | AF | 2005/0075654 | | Kelleher | | | |
| | AG | 2004/0193184 | | Laufer, et al. | | | |
| | AH | 5,423,872 | | Cigaina | | | |
| | AI | 5,837,006 | | Ocel, et al. | | | |

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| | | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUB | TRANS- LATION |
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| | AJ | JP 2003/319945 | | | | | |
| | AK | | | | | | |

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| | AA | 6,826,428 | | Chen, et al. | | | |
| | AB | 2005/0192615 | | Torre, et al. | | | |
| | AC | 2005/0143784 | | Imran | | | |
| | AD | 6,535,764 | | Imran, et al. | | | |
| | AE | 6,606,523 | | Jenkins | | | |
| | AF | 6,041,258 | | Cigaina, et al. | | | |
| | AG | 2003/0195600 | | Tronnes, et al. | | | |
| | AH | 2005/0209653 | | Herbert, et al. | | | |
| | AI | 6,952,613 | | Swoyer, et al. | | | |

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